

**2E2SSB 6204** - H AMD 1431

By Representative Ross

ADOPTED 04/10/2012

1 On page 2, line 15, after "crime" insert ", except if the  
2 offender's underlying offense is a felony offense listed in RCW  
3 9.94A.737(5), in which case the department will hold the offender  
4 for thirty days from the time of arrest or until a prosecuting  
5 attorney charges the offender with a crime, whichever occurs first"

6  
7 On page 8, line 7, after "crime" insert ", except if the  
8 offender's underlying offense is a felony offense listed in RCW  
9 9.94A.737(5), in which case the department will hold the offender  
10 for thirty days from the time of arrest or until a prosecuting  
11 attorney charges the offender with a crime, whichever occurs first"

12  
13 On page 8, line 35, after "(b)" insert the following:

14 "After an offender has committed and been sanctioned for five low  
15 level violations, all subsequent violations committed by that offender  
16 shall automatically be considered high level violations.

17 (c)"

18  
19 On page 9, line 32, after "(5)" insert the following:

20  
21 "If the offender's underlying offense is one of the following  
22 felonies and the violation behavior constitutes a new misdemeanor,  
23 gross misdemeanor or felony, the offender shall be held in total  
24 confinement pending a sanction hearing, and until the sanction  
25 expires or until if a prosecuting attorney files new charges against  
26 the offender, whichever occurs first:

27

- 1 (i) Assault in the first degree, as defined in RCW 9A.36.011;  
2 (ii) Assault of a child in the first degree, as defined in RCW  
3 9A.36.120;  
4 (iii) Assault of a child in the second degree, as defined in RCW  
5 9A.36.130;  
6 (iv) Burglary in the first degree, as defined in RCW 9A.52.020;  
7 (v) Child molestation in the first degree, as defined in RCW  
8 9A.44.083;  
9 (vi) Commercial sexual abuse of a minor, as defined in RCW  
10 9.68A.100;  
11 (v) Dealing in depictions of a minor engaged in sexually explicit  
12 conduct, as defined in RCW 9.68A.050;  
13 (vi) Homicide by abuse, as defined in RCW 9A.32.055;  
14 (vii) Indecent liberties with forcible compulsion, as defined in  
15 RCW 9A.44.100(1)(a);  
16 (viii) Indecent liberties with a person capable of consent, as  
17 defined in RCW 9A.44.100(1)(b);  
18 (ix) Kidnapping in the first degree, as defined in RCW 9A.40.020;  
19 (x) Murder in the first degree, as defined in RCW 9A.32.030;  
20 (xi) Murder in the second degree, as defined in RCW 9A.32.050;  
21 (xii) Promoting commercial sexual abuse of a minor, as defined in  
22 RCW 9.68A.101;  
23 (xiii) Rape in the first degree, as defined in RCW 9A.44.040;  
24 (xiv) Rape in the second degree, as defined in RCW 9A.44.050;  
25 (xv) Rape of a child in the first degree, as defined in RCW  
26 9A.44.073;  
27 (xvi) Rape of a child in the second degree, as defined in RCW  
28 9A.44.076;  
29 (xvii) Robbery in the first degree, as defined in RCW 9A.56.200;  
30 (xviii) Sexual exploitation of a minor, as defined in RCW  
31 9.68A.040; or  
32 (xix) Vehicular homicide while under the influence of intoxicating  
33 liquor or any drug, as defined in RCW 46.61.520(1)(a).  
34 (6)"

1       Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.

EFFECT:   Requires that, after an offender has received five low level violation sanctions, all subsequent violations shall be treated as high level violations.  Additionally, if an offender with a specified underlying offense commits a new crime, the offender shall be held in total confinement pending a sanction hearing, unless and until a prosecuting attorney files new charges against the offender.

--- END ---